

6/19/07

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: SCHMIDT  
Serial No.: 10/655,889  
Filed: SEPTEMBER 4, 2003  
Atty. File No.: 5662-1-PUS-1-1  
For: USE OF NEUROTOXIN THERAPY  
FOR TREATMENT OF  
UROLOGICAL-NEUROLOGICAL  
DISORDERS ASSOCIATED WITH  
PROSTATE CANCER

Group Art Unit: 1657  
Examiner: AFREMOVA, V.  
Conf. No.: 7191

REQUEST FOR  
RECONSIDERATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

An Office Action was mailed in the above-captioned application on October 18, 2006. Claims 1, 3-11, 13, 15-19, 21 and 22 were pending in the application. Claims 1, 3-11, 13, 15-19, 21 and 22 were rejected. This Request for Reconsideration document is submitted in response to said Office Action.

The Rejection of Claims 1-19 under 35 U.S.C. § 112, second paragraph

The Examiner has rejected Claims 1-19 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claims the subject matter which applicant regards as the invention. The second paragraph of Section 112 requires that the claims set out and circumscribe a particular area that applicants regard as their invention with a reasonable degree of precision and particularity.

Specifically, the rejection alleges that the claims are drawn to treating prostate cancer due to the recitation of "a patient with prostate cancer" in Claims 1 and 10 but that "alleviating a symptom" is irrelevant to the treatment of prostate cancer because symptom are not causes of diseases.